

MINUTES OF RDA SPECIAL REGULAR MEETING – DECEMBER 30, 2009

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THE WEST VALLEY CITY REDEVELOPMENT AGENCY MET IN SPECIAL ELECTRONIC REGULAR SESSION ON WEDNESDAY, DECEMBER 30, 2009, AT 12:05 P.M., IN THE CITY COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY VICE CHAIRMAN WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks
Carolynn Burt (participated electronically via telephone)
Joel Coleman
Dennis J. Nordfelt
Corey Rushton (participated electronically via telephone)
Steve Vincent

Wayne Pyle, Chief Executive Officer
Sheri McKendrick, Secretary

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Jim Welch, Finance Director
John Janson, Acting CED Director
Brent Garlick, CED Department
Jake Arslanian, Public Works Department

1378 **MEMBERS PRESENT VIA ELECTRONIC MEDIA AND PROCEDURES FOR ELECTRONIC MEETINGS**

Vice Chairman Winder advised that Corey Rushton and Carolynn Burt were participating in the electronic Special Regular Meeting via the telephone. He also explained procedures regarding electronic meetings.

1379 **RESOLUTION NO. 09-28, AUTHORIZE REDEVELOPMENT AGENCY OF WEST VALLEY CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, COMMERCIAL REAL PROPERTY WITHIN THE CITY CENTER REDEVELOPMENT PROJECT AREA PLAN DATED SEPTEMBER 14, 2006, AND AMENDED AUGUST 22, 2007 (CONTINUED FROM SPECIAL RDA MEETING HELD DECEMBER 15, 2009)**

Chief Executive Officer, Wayne Pyle, presented proposed Resolution No. 09-28 which would authorize the Redevelopment Agency of West Valley City to acquire, by negotiation or condemnation, commercial real property within the

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City Center Redevelopment Project Area Plan Dated September 14, 2006, and Amended August 22, 2007.

Mr. Pyle stated the Redevelopment Agency met the statutory prerequisites to proceed with acquiring of property by eminent domain within the City Center Redevelopment Project Area Plan.

The Chief Executive Officer stated the City Center Redevelopment Project Area Plan had been adopted by Agency resolution in 2004, and had recently been updated. He informed this Plan involved the urban renewal of the area that included the Valley Fair Mall and the property surrounding West Valley City Hall, and the area to the west of City Hall. He further indicated the RDA could acquire property by use of eminent domain if it met the statutory requirements set out in the Utah Community Development and Renewal Agencies Act. In order to acquire property by eminent domain, he reported, the RDA must first vote to exercise the power of eminent domain. Then, once it had approved the use of eminent domain, it must vote to acquire specific parcels using that power. He advised that Boyce and Barbara Sorensen owned property the RDA had been negotiating in good faith to purchase. He stated to date the RDA has been unable to agree upon a price with the Sorensens for the purchase of the property within the City Center RDA.

Mr. Pyle discussed background information of the overall City Center Redevelopment Project Area and property acquisitions to date. He also displayed and described a map with a photograph inset of the subject area.

Upon direction by the Chief Executive Officer, the City Attorney Richard Catten explained the process regarding possible condemnation and the need for two resolutions on the agenda. He stated the first one (proposed Resolution No. 09-28) would authorize use of eminent domain within the RDA area, and the second (proposed Resolution No. 09-29) would allow eminent domain be used to acquire the Sorensen property. Mr. Catten read aloud some of the requirements and criteria as stated in the Utah Code, including the need to approve the option for use of eminent domain by December 31, 2009. He also noted approval required a two-thirds vote of all Board members, which would be a total of five votes. The City Attorney answered additional questions from members of the Board regarding the legal process and next steps.

City Attorney, Richard Catten, further reviewed the proposed Resolution and answered questions from members of the Board.

After discussion, Mr. Coleman moved to approve Resolution No. 09-28, a Resolution Authorizing the Redevelopment Agency of West Valley City to

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Acquire, by Negotiation or Condemnation, Commercial Real Property Within the City Center Redevelopment Project Area Plan Dated June 30, 2004, and Amended August 22, 2007. Mr. Nordfelt seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Nordfelt	Yes
Mr. Rushton	Yes
Vice Chairman Winder	Yes

Majority.

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RESOLUTION NO. 09-29, AUTHORIZE REDEVELOPMENT AGENCY OF WEST VALLEY CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, COMMERCIAL REAL PROPERTY WITHIN THE CITY CENTER REDEVELOPMENT PROJECT AREA PLAN FROM BOYCE AND BARBARA SORENSEN LOCATED AT APPROXIMATELY 3550 SOUTH 2870 WEST, 3510 SOUTH MARKET STREET, AND 2883 WEST 3500 SOUTH, WEST VALLEY CITY, UTAH

Chief Executive Officer, Wayne Pyle, presented proposed Resolution No. 09-29 which would authorize the Redevelopment Agency of West Valley City to acquire, by negotiation or condemnation, commercial real property within the City Center Redevelopment Project Area Plan from Boyce and Barbara Sorensen located at approximately 3550 South 2870 West, 3510 South Market Street, and 2883 West 3500 South, West Valley City, Utah.

Mr. Pyle referenced project information presented and discussed in the preceding item and related details of discussions and negotiations with the Sorensens regarding a proposed option to purchase his property. He indicated Sorensens desired to relocate to another property and/or a new building within the City and have the same tenants. He stated the Sorensens had been notified in writing of this meeting and the opportunity to address the Board if they so desired. He reported the Sorensens were out of town at this time and unable to attend the meeting. He further stated the RDA and City did not want to condemn the subject properties, but needed to take action at this time in order to leave that option open.

Upon discussion, members of the Board commented and expressed hope that the RDA Board would have the opportunity to hear from the property owners if condemnation action became necessary.

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Chief Executive Officer, Wayne Pyle, further reviewed the proposed Resolution and answered questions from members of the Board.

After discussion, Mr. Nordfelt moved to approve Resolution No. 09-29, a Resolution Authorizing the Redevelopment Agency of West Valley City to Acquire, by Negotiation or Condemnation, Commercial Real Property Within the City Center Redevelopment Project Area Plan from Boyce and Barbara Sorensen Located at Approximately 3550 South 2870 West, 3510 South Market Street, and 2883 West 3500 South, West Valley City, Utah; with instructions to staff to bring the issue back to the Board before proceeding further with the condemnation process in order for the Board to have an opportunity to hear from the property owners. Mr. Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Nordfelt	Yes
Mr. Rushton	Yes
Vice Chairman Winder	Yes

Majority.

THERE BEING NO FURTHER BUSINESS OF THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, THE ELECTRONIC SPECIAL REGULAR MEETING OF TUESDAY, DECEMBER 30, 2009, WAS ADJOURNED AT 12:34 P.M., BY VICE CHAIRMAN WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the electronic Special Regular Meeting of the West Valley City Redevelopment Agency held Wednesday, December 30, 2009.

Sheri McKendrick, MMC
Secretary